

State of
Washington
House of
Representatives



June 25, 2010

Mr. Ted Sturdevant
Director
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

via sepaguidance@ecy.wa.gov

Re: Proposed SEPA Guidance on Addressing Greenhouse Gas Emissions

Dear Director Sturdevant:

As members of the House Committee on Ecology and Parks, we are writing to you with concerns about Ecology's proposed "State Environmental Policy Act Guidance on Addressing Greenhouse Gas Emissions" and appendices requiring citizens to make carbon reductions on projects subject to State Environmental Protection Act (SEPA) review. Since Washington produces about 3/10ths of one percent of global greenhouse gas emissions, it is statistically improbable that any one project rises to the level of having any impact on the climate pattern that would affect our state or the health of its citizens.

Carbon dioxide is needed for life on earth, and while IPCC and other climate *models* project *speculative* increased heat and storms decades in the future, we are facing much more immediate and tangible threats to our citizens' health and welfare today. The lack of food, housing, and health care that comes when hundreds of thousands of people are unemployed and are unable to take care of themselves poses a much greater threat, especially when increased regulations by the government could potentially make matters worse.

There is no direct scientific correlation that determines how much carbon per project will cause what, if any, harm to the people of Washington in the future. Yet throughout the state, we currently see the immediate effects of economic distress and loss of jobs. There is also no statutory authority in SEPA, chapter 43.21C of the Revised Code of Washington, directing the Department of Ecology to require individual citizens to reduce their greenhouse gas emissions on a project-by-project basis as proposed in these guidelines for a very good reason. The economic health of the state is of paramount importance and the

ability to mitigate any potential adverse affects of greenhouse gas emissions completely arbitrary.

Two weeks ago, Governor Gregoire announced that the construction industry is central to the recovery of our state's economy and requested that the State Building Code Council postpone implementation of costly energy code improvements that put in jeopardy the economic recovery. She stated: "We cannot risk further delay of our state recovery, or worse, a deepening recession. The needs of our families and communities for jobs, and a healthy economy, must take precedent." The SEPA proposed guidelines affect the same individuals and industries as the postponed energy code regulations.

We request that the Department of Ecology cease drafting new policies under SEPA to address greenhouse gas emissions.

The guidelines are not an interpretation of a statute authorizing Ecology to address greenhouse gas emissions using SEPA. It is a creation of the administration without legislative direction.

Furthermore, if the department continues on its inopportune course, we request that a small business impact statement be created in accordance with the Regulatory Fairness Act, chapter 19.85 of the Revised Code of Washington. This act was created to protect citizens from burdensome government regulation and directs agencies to prove that benefits from the policies will justify added costs. Under the law, agencies are directed to prepare small business impact statements if the proposed rule will impose more than a \$100 cost on businesses in an industry. Since we know the energy code small business impact statement identified more than 15,000 businesses that would be affected and the Office of Financial Management identified negative effects to jobs with the energy code, we expect this guideline will have similar impacts, but could have more far reaching elements.

As representatives of the people of Washington, we look forward to your response.

Sincerely,



Shelly Short
Ranking Member
Committee on Ecology & Parks



Joel Kretz
Deputy Minority Leader



Dan Kristiansen
Minority Caucus Chair



David Taylor
State Representative, 15th District